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In Propria Persona

**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-JLS-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S REPLY TO STATE BAR
DEFENDANTS' OPPOSITION TO
CONSOLIDATED MOTION FOR
CERTIFICATION OF INTERLOCUTORY
APPEAL AND RULE 54(b) JUDGMENT**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S REPLY TO STATE BAR DEFENDANTS' OPPOSITION TO CONSOLIDATED MOTION FOR
CERTIFICATION OF INTERLOCUTORY APPEAL AND RULE 54(b) JUDGMENT**

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**PLAINTIFF'S REPLY TO STATE BAR DEFENDANTS' OPPOSITION TO
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AND RULE 54(b) JUDGMENT**

TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:

Plaintiff Todd R.G. Hill respectfully submits this reply to the State Bar Defendants' Opposition (Dkt. 341) to Plaintiff's Consolidated Motion (Dkt. 335) seeking (1) certification for interlocutory appeal under 28 U.S.C. § 1292(b) and (2) entry of partial final judgment under Fed. R. Civ. P. 54(b).

Defendants further attempt to mislead by arguing that Plaintiff's motion for interlocutory appeal (Dkt. 335) is "predicated on Plaintiff's erroneous contention that the Court has ruled on his May 1 Motion to Amend (Dkt. 286)" (Dkt. 341 at 3). This facially appears a deliberate misdirection. Plaintiff's Dkt. 335 motion clearly seeks appeal of the Court's May 27, 2025 Order (Dkt. 312) which denied Plaintiff's Rule 59(e) motion (Dkt. 253) related to the State Bar Defendants' dismissal. The status of Plaintiff's distinct May 1 motion to amend (Dkt. 286) is irrelevant to the basis for the present request for appellate certification, which explicitly targets a separate, final ruling concerning the State Bar Defendants. This tactic appears calculated to confuse the procedural posture and distract from the actual merits of Plaintiff's request for appellate review.

Plaintiff also notes his previously filed Docket 326 on June 11, 2025, titled *Second Notice of Constructive Denial and Pending Requests for Judicial Notice*, expressly identifying several of these same filings and preserving the procedural position that the omission of a ruling constitutes a constructive denial or de facto ruling, subject to appellate review and reconsideration under Fed. R. Civ. P. 59(e).

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1 Plaintiff further notes that his Third Notice of Constructive Denial and Request for
2 Clarification, submitted on June 30, 2025 (corresponding to EDS Tracking No. EDS-250630-002-
3 1715), remains undocketed as of this filing. The filing, which highlights unresolved FRE 201 motions
4 and procedural anomalies, is directly relevant to the issues raised in this reply. Plaintiff includes this
5 reference solely to preserve the procedural record, not as an objection to the current briefing
6 schedule.
7

8
9 **I. THE STATE BAR'S RULE 54(B) CONSENT IS WELCOME AND PROPER**

10
11 To Plaintiff concurs with the State Bar Defendants' representation that they do not oppose
12 entry of final judgment under Rule 54(b). Entry of such judgment is both procedurally appropriate
13 and legally proper given the Court's previous dismissal with prejudice (Dkts. 145, 248). This consent
14 should expedite appellate review of Plaintiff's claims against the State Bar and mitigate any
15 unnecessary procedural ambiguity.
16

17
18 **II. THE OPPOSITION TO § 1292(B) IS MOOT IF RULE 54(B) IS GRANTED**

19 The State Bar Defendants' technical opposition to § 1292(b) relief, including the 10-day
20 timeline and lack of certification, is duly noted. However, this opposition becomes irrelevant if the
21 Court grants Rule 54(b) judgment. Plaintiff advanced the § 1292(b) certification request only as a
22 prudential alternative in the face of unresolved and unexplained procedural delays. The State Bar's
23 concurrence on Rule 54(b) reinforces the logic that appellate access should not be foreclosed merely
24 due to administrative silence.
25

26
27 **III. STATE BAR'S MISCHARACTERIZATION OF THE RECORD**

28 Defendants further attempt to mislead by arguing that Plaintiff's motion for interlocutory
appeal (Dkt. 335) is "predicated on Plaintiff's erroneous contention that the Court has ruled on his

1 May 1 Motion to Amend (Dkt. 286)" (Dkt. 341 at 3). This is a deliberate misdirection. Plaintiff's Dkt.
2 335 motion clearly seeks appeal of the Court's May 27, 2025 Order (Dkt. 312) which denied
3 Plaintiff's Rule 59(e) motion (Dkt. 253) related to the State Bar Defendants' dismissal . The status of
4 Plaintiff's distinct May 1 motion to amend (Dkt. 286) is irrelevant to the basis for the present request
5 for appellate certification, which explicitly targets a separate, final ruling concerning the State Bar
6 Defendants. This tactic appears calculated to confuse the procedural posture and distract from the
7 actual merits of Plaintiff's upcoming request for appellate review.
8
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10 **IV. THE CONTRADICTION IN THE STATE BAR'S PARTICIPATION**

11 The State Bar's opposition confirms the very contradiction that Plaintiff raised in Dkt. 340:
12 that a party dismissed with prejudice now seeks to substantively oppose Plaintiff's motions while
13 simultaneously claiming it lacks sufficient standing to be bound by further litigation. This
14 contradiction highlights procedural overreach and affirms the relevance of Plaintiff's objection to the
15 State Bar's participation post-dismissal.
16
17

18 The State Bar Defendants' reliance on *Disabled Rights Action Comm. v. Las Vegas Events,*
19 *Inc.*, 375 F.3d 861 (9th Cir. 2004), is misplaced. That case addresses appealability under Rule 54(b),
20 not the permissibility of post-dismissal opposition filings absent a renewed motion to intervene or
21 clarify status. Here, the procedural irregularity arises from the State Bar's attempt to oppose
22 Plaintiff's motion while simultaneously claiming they are "no longer parties" for all other purposes, a
23 contradiction that would undermine clear procedural lines unless resolved by formal entry of
24 judgment or judicial instruction.
25
26

27 Their argument that "judgment has not yet been entered" (Dkt. 341 at 2) ignores that their
28 participation, absent a formal motion to intervene or request for clarification, risks altering the

1 adversarial posture and procedural clarity of this litigation. Plaintiff does not seek to silence
2 opposition but rather to ensure procedural alignment and parity.
3

4 Plaintiff does not seek to silence opposition but rather to ensure procedural alignment and
5 parity. As the Ninth Circuit has noted, “[p]arties that are no longer properly before the court must
6 seek intervention or leave before filing.” See *Karcher v. May*, 484 U.S. 72, 77–78 (1987); see also
7 *Clinton v. Jones*, 520 U.S. 681, 708 (1997) (for persuasive purposes, discussing and highlighting the
8 importance of clear procedural boundaries in avoiding manipulation of litigation posture).
9

10 Finally, the State Bar Defendants' argument that "judgment has not yet been entered" (Dkt.
11 341 at 2) while simultaneously opposing Plaintiff's Rule 54(b) motion (Dkt. 335) is strategically
12 inconsistent and self-serving. This tactic leverages the very procedural ambiguity and lack of clarity
13 that Plaintiff has repeatedly sought to resolve through his "Notices of Constructive Denial" (e.g., the
14 Third Notice filed June 30, 2025). By allowing the dismissal to remain un-finalized for appellate
15 purposes, yet insisting on opposing a motion specifically designed to *create* finality for appeal, the
16 State Bar Defendants are attempting to obstruct orderly review and perpetuate a state of procedural
17 limbo that solely benefits them. Their opposition, which purports to be from a dismissed party,
18 further exemplifies the "improper participation" and manipulation of procedural posture that Plaintiff
19 has formally objected to in Docket 340.
20
21
22

23 For the avoidance of doubt, Plaintiff continues to preserve all appellate rights under Fed. R.
24 Civ. P. 59(e) and Fed. R. Civ. P. 60(b), and submits this notice solely to support an administratively
25 complete and procedurally transparent record.
26

27 **V. REBUTTAL TO STATE BAR DEFENDANTS' MISCHARACTERIZATION**
28 **OF PLAINTIFF'S OBJECTION (DKT. 340)**

1 The State Bar Defendants misrepresent both the substance and procedural basis of Plaintiff's
2
3 objection in Dkt. 340. Contrary to Defendants' assertion, Plaintiff does not argue that all dismissed
4 parties are categorically barred from participating in post-judgment proceedings. Rather, Plaintiff's
5 objection was narrowly tailored to challenge improper re-engagement by a party dismissed with
6 prejudice, without a formal motion to clarify standing, intervene, or seek relief under any recognized
7 procedural mechanism.
8

9 The State Bar relies on *Disabled Rts. Action Comm. v. Las Vegas Events, Inc.*, 375 F.3d 861,
10 870 (9th Cir. 2004), to claim judgment has not been entered, but that decision addresses appealability
11 under Rule 54(b) and is inapposite to the question of whether a dismissed party may file oppositions
12 to procedural motions absent judicial authorization. The case does not stand for the proposition that a
13 dismissed public agency may freely reassert adversarial participation in certification or interlocutory
14 proceedings without formal leave of Court.
15

16 This is not a theoretical objection. The contradiction is now manifest: the State Bar claims it
17 was dismissed and therefore shielded from further merits litigation yet simultaneously asserts the
18 right to oppose procedural certification of its own dismissal without re-entering the case through
19 proper motion practice. This posture is not merely irregular, it presents a risk of procedural
20 manipulation, precisely as warned in Dkt. 340.
21

22 The integrity of the adversarial process requires clarity. If the State Bar seeks to oppose
23 certification of final judgment, it should first file a motion for clarification, intervention, or other
24 relief acknowledging its status and requesting a defined participatory role. Absent such action, its
25 opposition—though now public—should be viewed for what it is: an unauthorized submission by a
26 dismissed party seeking to influence procedural outcomes while avoiding the burdens of continued
27 litigation.
28

1 This Court need not strike the opposition to recognize its flawed foundation. Instead, the
2 Court may resolve the matter by granting Rule 54(b) relief, rendering the State Bar's untimely and
3 procedurally unsupported § 1292(b) arguments moot, and formally acknowledging the contradiction
4 in posture that prompted Plaintiff's Dkt. 340 filing.
5

6
7 **VI. JUDICIAL NOTICE AND DKT. 286 REMAIN UNRESOLVED AND, IN SOME**
8 **CONTEXTS, UNCONTESTED**

9 The State Bar's filing confirms the appearance that Dkt. 286 (Plaintiff's Rule 59(e) Motion)
10 remains unresolved. By highlighting this fact, Defendants tacitly acknowledge Plaintiff's broader
11 point: that critical filings, including requests for judicial notice and motions with dispositive bearing,
12 remain pending with no response.
13

14 This strengthens Plaintiff's assertion that a constructive denial pattern has emerged. The State
15 Bar's silence on this issue affirms that neither the FRE 201 motions nor the May 1, 2025 motion
16 (Dkt. 286) have been adjudicated, despite their procedural ripeness and material relevance.
17

18 **VII. MATERIAL FORECLOSURE OF FAIR ADJUDICATION**

19 Given the above, there is the strong appearance that fair adjudication has been materially
20 foreclosed by the Court's ongoing refusal to resolve dispositive and, in many cases, procedurally ripe
21 requests, or to send any signal of procedural integrity, even when fully briefed judicial notice motions
22 and objections have remained pending for months and dispositive rulings have been issued (e.g.,
23 Docket 312). This pattern of selective omission, when viewed against dispositive rulings that rely on
24 disputed facts and unaddressed filings, raises a substantial concern regarding procedural parity and
25 the effective administration of justice.
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VIII. CONCLUSION

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Plaintiff respectfully requests:

1. That the Court GRANT Plaintiff's request for entry of partial final judgment under Rule 54(b) as to the State Bar Defendants;
2. That the Court DISREGARD the State Bar's opposition to § 1292(b) as moot upon Rule 54(b) entry;
3. That the Court take judicial notice of the State Bar's inconsistent procedural posture and the ongoing need to resolve Dkt. 286 and Plaintiff's pending FRE 201 motions to preserve the integrity of the record.

Respectfully submitted,

Dated: July 2, 2025



Todd R. G. Hill
Plaintiff, In Propria Persona

STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned party certifies that this brief contains 1,732 words, which complies with the 7,000-word limit of L.R. 11-6.1.

Respectfully submitted,



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1
2 July 2, 2025

3 Todd R.G. Hill

4 Plaintiff, in Propria Persona

5
6
7 **Plaintiff's Proof of Service**

8 This section confirms that all necessary documents will be properly served pursuant to L.R. 5-
9 3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a
10 document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the
11 CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court
12 and (2) all pro se parties who have been granted leave to file documents electronically in the case
13 pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service
14 through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P.
15 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal
16 Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.
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21 Respectfully submitted,

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25 July 2, 2025

26 Todd R.G. Hill

27 Plaintiff, in Propria Persona
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